

rendered therein, also to prevent by means of a writ of injunction at the suit of the State or any citizen thereof, the use, or the contemplated use, or threatened use of any such place, room or building for the keeping of any such intoxicating liquor and the tools, appliances and furniture used therewith for any such illegal purpose."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 15, A bill to be entitled "An Act on the subject of private corporations, prescribing the terms and conditions on which they may be chartered, the contents of the charter, their duties and the duties of their directors, officers and agents; and certain limitations and restrictions of their powers and the powers of their officers, directors and agents, prescribing terms and conditions under which their capital stock may be increased and decreased, and providing for their dissolution, and generally providing rules and regulations for their government and the conduct of their business; also prescribing the terms and conditions under which foreign corporations may be granted permits to do business in Texas, and the circumstances under which the permit is forfeited; also prescribing the duties of such corporations, their officers, directors and agents, and certain limitations and restrictions on their powers; providing suitable forfeitures, penalties, fines and imprisonment for the violation of the provisions of this act, and repealing certain sections and articles of Title 21 of the Revised Statutes of this State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 31, A bill to be entitled "An Act to require that sureties on liquor dealers' bonds by affidavit to state

their sufficiency, and preventing the approval of any such bond unless the sureties so qualify and to provide adequate punishment and penalty for any violation of this act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 54, A bill to be entitled "An Act to provide for the punishment of persons responsible for or contributing to the delinquency or neglect and dependency of children."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

#### FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, January 25, 1907.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

|             |            |
|-------------|------------|
| Alexander.  | Looney.    |
| Barrett.    | Masterson. |
| Brachfield. | Mayfield.  |
| Chambers.   | Meachum.   |
| Faust.      | Murray.    |
| Glasscock.  | Paulus.    |
| Green.      | Senter.    |
| Greer.      | Skinner.   |
| Griggs.     | Smith.     |
| Grinnan.    | Stokes.    |
| Harper.     | Stone.     |
| Holsey.     | Terrell.   |
| Hudspeth.   | Watson.    |
| Kellie.     | Willacy.   |

Absent.

Veale.

Absent—Excused.

Harbison.

Prayer by Rev. Dr. Briggs of Austin.

Pending reading of the Journal of yesterday, on motion of Senator Barrett, the same was dispensed with.

## EXCUSED.

On motion of Senator Glasscock, Senator Veale was excused for non-attendance upon the Senate for the balance of this week, as well as for all the time that he has not already been excused for. (See Appendix for committee reports.)

## SIMPLE RESOLUTIONS.

By Senator Glasscock:

Be it resolved by the Senate, That the Committee on Contingent Expenses are directed and empowered to have built and placed in the Senate Chamber a commodious and complete postoffice with all needed appliances and fixtures to properly care for and protect all mail matter coming to the Senate; that all expenses for same be paid out of the contingent fund of the Senate upon approval of such account by the Chairman of the Committee on Contingent Expenses.

The resolution was read and adopted.

By Senator Hudspeth:

Resolved, That the Sergeant-at-Arms be authorized to have printed 600 copies of the Senate Journal daily, and that ten copies of said Journal be laid on the desks of each Senator each morning.

The resolution was read and adopted.

## IN MEMORY OF CHARLES DECAUSSEY.

By Senator Barrett:

Whereas, On the 24th day of January, 1907, in the city of Austin, Charles De Caussey, the great grandson and only surviving lineal descendant of William Barrett Travis, died; therefore, be it

Resolved, That the Senate of Texas mourn the death of last descendant of that illustrious hero of the Alamo, and by the death of this man the people of Texas have lost a patriot and a beloved son.

BARRETT,  
HOLSEY.

The resolution was read and unanimously adopted by a rising vote.

By Senator Senter:

Resolved, That Hon. O. P. Bowser of Dallas, formerly a distinguished member of the State Senate, is invited to a seat upon the floor of the Senate.

The resolution was read and adopted.

## BILLS AND RESOLUTIONS.

By Senator Glasscock:

Senate bill No. 111, A bill to be entitled "An Act to amend Article 256, Chapter 6, of the Penal Code, relating to ex-

tortion and to add Article 256a, making it a misdemeanor punishable with a fine of not less than \$25 nor more than \$250, for any officer, or other person authorized by law, to demand or receive fees of office, to willfully make out his account for fees in excuse of those allowed by law, to present or file such account with the proper officer with whom the law requires the same to be presented or filed.

Read first time, and referred to Judiciary Committee No. 2.

By Senator Watson:

Senate bill No. 112, A bill to be entitled "An Act to amend Article 958, of Chapter 1, Title XVIII, of the Penal Code of the Revised Statutes of Texas of 1895."

Read first time and referred to Judiciary Committee No. 1.

By Senator Watson:

Senate bill No. 113, A bill to be entitled "An Act to amend Article 1097 of Chapter 3, of Title XV of the Revised Statutes of Texas, 1895."

Read first time and referred to Judiciary Committee No. 1.

By Senator Willacy:

Senate bill No. 114, A bill to be entitled "An Act to amend Article 2466, of Chapter 3, Title XLV, of the Revised Civil Statutes of Texas of 1895."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Brachfield:

Senate bill No. 115, A bill to be entitled "An Act to amend Article 471, of the Code of Criminal Procedure."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hudspeth:

Senate bill No. 116, A bill to be entitled "An Act making it an offense, and providing a punishment therefor, for any person to obtain, in this State, from another person, money upon false and fraudulent representations for employment or personal service."

Read first time and referred to Judiciary Committee No. 2.

Morning call concluded.

## REGULAR ORDER SUSPENDED.

On motion of Senator Kellie, the pending business (Senate bill No. 13 and a simple resolution), was suspended, and the Senate took up, out of its order, a simple resolution relative to the appoint-

ment of Miss Jennie Daugherty as stenographer.

The Chair laid the resolution before the Senate.

The committee report on the resolution carried with it a majority and minority report, and the majority report had previously been adopted.

Senator Green offered the following amendment:

Amend the resolution by adding, "Provided, That Miss Jennie Daugherty or any other committee clerk that the President of the Senate may assign to act as clerk to the Sergeant-at-Arms."

Pending prolonged discussion,

Senator Grinnan moved the previous question on the resolution and the pending amendment, and

The motion being duly seconded, was so ordered.

Senator Meachum moved to table the amendment to the resolution, which motion was lost by the following vote:

Yeas—12.

|            |          |
|------------|----------|
| Alexander. | Murray.  |
| Chambers.  | Paulus.  |
| Griggs.    | Senter.  |
| Hudspeth.  | Stone.   |
| Masterson. | Terrell. |
| Meachum.   | Watson.  |

Nays—16.

|             |           |
|-------------|-----------|
| Barrett.    | Holsey.   |
| Brachfield. | Kellie.   |
| Faust.      | Looney.   |
| Glasscock.  | Mayfield. |
| Green.      | Skinner.  |
| Greer.      | Smith.    |
| Grinnan.    | Stokes.   |
| Harper.     | Willacy.  |

Absent—Excused.

|           |        |
|-----------|--------|
| Harbison. | Veale. |
|-----------|--------|

The amendment was then adopted by the following vote:

Yeas—25.

|             |            |
|-------------|------------|
| Barrett.    | Masterson. |
| Brachfield. | Mayfield.  |
| Chambers.   | Meachum.   |
| Faust.      | Murray.    |
| Glasscock.  | Paulus.    |
| Green.      | Senter.    |
| Greer.      | Skinner.   |
| Grinnan.    | Smith.     |
| Harper.     | Stokes.    |
| Holsey.     | Stone.     |
| Hudspeth.   | Watson.    |
| Kellie.     | Willacy.   |
| Looney.     |            |

Nays—3.

|            |          |
|------------|----------|
| Alexander. | Terrell. |
| Griggs.    |          |

Absent—Excused.

|           |        |
|-----------|--------|
| Harbison. | Veale. |
|-----------|--------|

The resolution, as amended, was then adopted by the following vote:

Yeas—26.

|             |            |
|-------------|------------|
| Alexander.  | Looney.    |
| Barrett.    | Masterson. |
| Brachfield. | Mayfield.  |
| Chambers.   | Meachum.   |
| Faust.      | Murray.    |
| Glasscock.  | Paulus.    |
| Green.      | Senter.    |
| Greer.      | Skinner.   |
| Griggs.     | Smith.     |
| Harper.     | Stone.     |
| Holsey.     | Terrell.   |
| Hudspeth.   | Watson.    |
| Kellie.     | Willacy.   |

Nays—2.

|          |         |
|----------|---------|
| Grinnan. | Stokes. |
|----------|---------|

Absent—Excused.

|           |        |
|-----------|--------|
| Harbison. | Veale. |
|-----------|--------|

Senator Skinner moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

#### SPECIAL ORDER SUSPENDED.

On motion of Senator Terrell, the special order of business (Senate bill No. 13) was suspended, and the Senate took up, out of its order, a simple resolution providing for the election of C. T. Hancock as clerk to the Sergeant-at-Arms and Committee on Contingent Expenses, which was left as pending business from yesterday's proceedings.

The Chair laid the resolution before the Senate, and

Senator Looney moved to substitute the minority report for the majority report, and

On that motion moved the previous question, which being duly seconded, was so ordered.

The question then being on the motion to substitute the minority report for the majority report, and the motion was adopted by the following vote:

Yeas—15.

|             |            |
|-------------|------------|
| Barrett.    | Glasscock. |
| Brachfield. | Green.     |
| Faust.      | Greer.     |

Grinnan. Skinner.  
Harper. Smith.  
Kellie. Stokes.  
Looney. Willacy.  
Mayfield.

## Nays—12.

Alexander. Meachum.  
Chambers. Murray.  
Griggs. Senter.  
Holsey. Stone.  
Hudspeth. Terrell.  
Masterson. Watson.

## Absent.

Paulus.

## Absent—Excused.

Harbison. Veale.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## COMMITTEE REPORT—HOUSE BILL NO. 18.

Committee Room,  
Austin, Texas, January 25, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Finance Committee, to whom was referred

House bill No. 18, A bill to be entitled "An Act appropriating \$5000, or so much as may be necessary for use of the Railroad Commission of Texas, to defray the expense of any extra labor, traveling or other expenses in preparing the defense of the Railroad Commission in the suits now pending in the Federal court for the Western District of Texas, wherein certain railroad companies are suing to enjoin the enforcement of orders reducing their rates, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and the same be not printed.

WILLACY, Chairman.

## HOUSE BILL NO. 18.

On motion of Senator Willacy, the special order of business (Senate bill No. 13) was suspended, and the Senate took up, out of its order, House bill No. 18,

Senator Willacy then moved that the Senate rule requiring committee reports to lie over for one day be suspended for the purpose of taking up this bill.

The motion was adopted.

On motion of Senator Willacy, the

constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

## Yeas—27.

Alexander. Looney.  
Barrett. Masterson.  
Brachfield. Mayfield.  
Chambers. Meachum.  
Faust. Murray.  
Glasscock. Senter.  
Green. Skinner.  
Greer. Smith.  
Griggs. Stokes.  
Grinnan. Stone.  
Harper. Terrell.  
Holsey. Watson.  
Hudspeth. Willacy.  
Kellie.

## Absent.

Paulus.

## Absent—Excused.

Harbison. Veale.

The Chair laid before the Senate on second reading House bill No. 18. (See caption in above committee report.)

The committee report was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—27.

Alexander. Looney.  
Barrett. Masterson.  
Brachfield. Mayfield.  
Chambers. Meachum.  
Faust. Murray.  
Glasscock. Senter.  
Green. Skinner.  
Greer. Smith.  
Griggs. Stokes.  
Grinnan. Stone.  
Harper. Terrell.  
Holsey. Willacy.  
Hudspeth. Watson.  
Kellie.

## Absent.

Paulus.

## Absent—Excused.

Harbison. Veale.

The bill was read third time, and passed by the following vote:

## Yeas—27.

Alexander. Chambers.  
Barrett. Faust.  
Brachfield. Glasscock.

|            |          |
|------------|----------|
| Green.     | Meachum. |
| Greer.     | Murray.  |
| Griggs.    | Senter.  |
| Grinnan.   | Skinner. |
| Harper.    | Smith.   |
| Holsey.    | Stokes.  |
| Hudspeth.  | Stone.   |
| Kellie.    | Terrell. |
| Looney.    | Watson.  |
| Masterson. | Willacy. |
| Mayfield.  |          |

Absent.

Paulus.

Absent—Excused.

Harbison.

Veale.

## SENATE BILL NO. 9.

On motion of Senator Hudspeth, the special order of business (Senate bill No. 13) was suspended, and the Senate took up, out of its order, Senate bill No. 9.

The Chair laid before the Senate, on second reading,

Senate bill No. 9, A bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the 1st day of January, 1887, and which have failed or about to fail to construct their roads and branches or any part thereof within the time required by law."

The committee report, which carried with it an amendment, was adopted.

Senator Hudspeth offered the following amendment:

Amend the bill by striking out all after the word "corporations," in line 7, page 1, down to and including the word "companies," in line 8.

Bill read second time, and ordered engrossed.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

|             |            |
|-------------|------------|
| Alexander.  | Looney.    |
| Barrett.    | Masterson. |
| Brachfield. | Mayfield.  |
| Chambers.   | Meachum.   |
| Faust.      | Murray.    |
| Glasscock.  | Senter.    |
| Green.      | Skinner.   |
| Greer.      | Smith.     |
| Griggs.     | Stokes.    |
| Grinnan.    | Stone.     |
| Harper.     | Terrell.   |
| Holsey.     | Watson.    |
| Hudspeth.   | Willacy.   |
| Kellie.     |            |

Absent.

Paulus.

Absent—Excused.

Harbison.

Veale.

The bill was read third time, and passed by the following vote:

Yeas—27.

|             |            |
|-------------|------------|
| Alexander.  | Looney.    |
| Barrett.    | Masterson. |
| Brachfield. | Mayfield.  |
| Chambers.   | Meachum.   |
| Faust.      | Murray.    |
| Glasscock.  | Senter.    |
| Green.      | Skinner.   |
| Greer.      | Smith.     |
| Griggs.     | Stokes.    |
| Grinnan.    | Stone.     |
| Harper.     | Terrell.   |
| Holsey.     | Watson.    |
| Hudspeth.   | Willacy.   |
| Kellie.     |            |

Absent.

Paulus.

Absent—Excused.

Harbison.

Veale.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SPECIAL ORDER SUSPENDED.

On motion of Senator Griggs, the special order of business (Senate bill No. 13) was suspended, and the Senate took up, out of its order, Senate bill No. 33.

The Chair laid before the Senate, special order, on second reading,

Senate bill No. 33, A bill to be entitled "An Act to consider the power of eminent domain upon interurban electric railway companies, to regulate the exercise thereof, to permit such companies to construct their railways along and across highways, steam railways, roads, canals, streets, streams, bays, navigable waters and arms of the sea, and to regulate the manner thereof; providing for the making this law cumulative of the General Laws of the State of Texas, and providing an emergency."

Senator Griggs offered the following amendment, which was adopted:

Amend the printed bill by striking out the last word in line 2, page 3, and the first five words in line 3, being the words, "and any and all amendments."

Senator Senter offered the following amendment:

Amend Section 4 by adding at the end of line 14, page 3, the following words:

"The right of condemnation herein given to any such interurban electric railway company shall include the power and authority to condemn for its use and benefit and easement and right to operate its interurban cars along and upon the track or tracks of any electric street railway company owning or operating such track or tracks upon any public street or alley in any town or city of this State; such right of condemnation to be subject to the authority and control of the city council of such town or city, and in any proceeding to condemn an easement of such nature the court or jury trying the cause shall fix and define the terms and conditions upon which such easement shall be granted and used; provided, the court rendering such judgment shall be authorized, upon a subsequent application or applications by any interested and complaining party showing adequate cause for such complaint, to review and reform the terms and conditions of such grant and the provisions of such judgment, and the hearing upon such application shall be in the nature of a retrial of said cause with respect to the terms and conditions upon which said easement shall be used, but the court shall not have power upon any such rehearing to declare such easement forfeited or to substantially impair the exercise thereof."

Pending discussion of Senator Senter's amendment,

Senator Skinner moved that the bill and pending amendment be made a special order for Monday morning at the conclusion of the morning call; also that those Senators who had amendments to offer to the bill be permitted to have same printed in the Journal.

The motion was adopted, and,

The following amendments were sent to the Journal Clerk's desk, and are herewith published:

By Senators Glasscock and Stone:

(1)

Amend Section 1, page 1, by inserting after the word "way," in line 17, the following words, "or any other railroad run or operated by steam or otherwise."

(2)

Amend Section 3, page 2, by inserting after the word "railway," in line 24, the following words, "or any other railroad run or operated by steam or otherwise."

(3)

Amend Section 3, page 2, of the printed bill, by inserting after the word "company," in line 25, the following

words, "or any other railroad run or operated by steam or otherwise."

(4)

Amend Section 4, page 3, by inserting after the word "companies," in line 10, the words, "and other railroads mentioned in this act."

(5)

Amend Section 5, page 3, by inserting after the word "railways," in line 17, the following words, "and the other railroads mentioned in this act."

(6)

Amend Section 6, page 3, by inserting after the word "corporations," in line 20, "and all other railways named in this act."

By Senator Meachum:

(7)

Amend the bill by adding after the word "plants," in line 25, Section 1, the following:

Provided, That no cemetery grounds nor any part thereof shall be so taken or condemned.

By Senator Looney:

(8)

Amend the amendment by inserting after the word "street" in the fifth line, as follows: "or interurban."

(9)

Amend the amendment by inserting after the word "State," in line 7, as follows: "and for one mile without the city limits."

By Senator Skinner:

(10)

Amend the bill by striking out the words, "Articles 4422 to 4475," in line 32, page 2, thereof, and inserting in lieu thereof the following: "Articles 4422 to 4438, inclusive, and from 4440 to 4475, inclusive."

(11)

Amend the bill by striking out the words, "Section 5," in line 15, page 3, and insert in their stead, "Section 6."

(12)

Amend the caption of the bill by inserting after the word "thereof" in line 11 of said caption, the following: "and to supply and sell electric light and power to the public and to municipalities."

(13)

Amend the bill by adding after Section 4, on page 3, the following: "Section 5. Such corporations shall have the right and authority to supply and sell electric light and power to the public and municipalities."

(14)

Amend the bill by striking out the words "Section 6," in line 18, page 3, and insert in their stead, "Section 7."

(15)

Amend the bill by inserting after the word "Texas," in line 2, page 3, thereof, the following: "Except Article 4439."

By Senators Glasscock and Stone:

(16)

Amend the bill by adding after the word "railways," in line 9, page 1, the following: "Or any other railroad run or operated by steam or otherwise."

(17)

Amend the bill by adding after the word "thereby," in line 8, Section 2, page 2, as follows: "And the approval of the city council of incorporated cities and towns and of the commissioners court in other parts of the county through which same may pass."

## EXECUTIVE MESSAGE.

Executive Office, State of Texas,  
Austin, Texas, January 25, 1907.

To the Senate.

I ask the advice and consent of the Senate to the appointment of W. E. Pope of Madison county, Texas, to be District Attorney of the Twelfth Judicial District of Texas, to fill the vacancy caused by the resignation of L. T. Dashiell.

T. M. CAMPBELL, Governor.

## EXECUTIVE SESSION—TIME SET FOR.

On motion of Senator Meachum, next Tuesday, January 29, was designated as the time for the Senate to go into executive session for the purpose of consideration of the above appointment.

## ADJOURNMENT.

On motion of Senator Skinner, the Senate, at 1 o'clock, adjourned till Monday morning at 10 o'clock.

## APPENDIX.

## COMMITTEE REPORT.

Committee Room,  
Austin, Texas, January 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 94, A bill to be entitled, "An Act to amend Article 325 of Title V, Chapter 4, of the Code of Criminal Procedure of the State of Texas, pertaining to the taking of bail in felony cases when court is in session, and authorizing the sheriff or other peace officer, having in custody the accused, to take a bail bond, and repealing all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

TERRELL, Chairman.

## FIFTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Monday, January 28, 1907.

Senate met pursuant to adjournment.

Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

|             |            |
|-------------|------------|
| Alexander.  | Looney.    |
| Barrett.    | Masterson. |
| Brachfield. | Mayfield.  |
| Chambers.   | Meachum.   |
| Glasscock.  | Murray.    |
| Green.      | Senter.    |
| Greer.      | Skinner.   |
| Griggs.     | Smith.     |
| Grinnan.    | Stone.     |
| Harbison.   | Terrell.   |
| Holsey.     | Veale.     |
| Hudspeth.   | Watson.    |
| Kellie.     | Willacy.   |

Absent.

|         |         |
|---------|---------|
| Faust.  | Paulus. |
| Harper. | Stokes. |

Prayer by Rev. Dr. Briggs of Austin.

Pending the reading of the Journal of Friday, on motion of Senator Brachfield the same was dispensed with.

(See Appendix for committee reports.)